Mr. V. Achyuta Menon.—I had tabled a resolution recommending amendments to the Election Rules so as to afford facilities to Government servants and other persons engaged at the Polling Stations for the exercise of their franchise. That was rightly disallowed by the President. May I know whether the Government is considering the recommendation or suggestion made in the resolution? I shall read a circular of the Madras Government in the matter.

Rama Varmha Tampuran.—I could not follow the Member at all.

Mr. V. Achyuta Menon.—As the Election Rules stand at present, Government servants and other persons engaged at Polling Stations have no facilities for the exercise of their franchise. For, an officer who has a right to vote at Irinjalakkuda may be engaged at a Polling Station at Ernakulam. Does the Government propose to amend the Rules?

Rama Varmha Tampuran.—The Member refers to the Legislative Council Election Rules.

Mr. T. K. Krishna Menon.—I think that is a point on which the Member can address the Government.

Demands for Supplementary Grants (*cont.*)

(9) XV—Law and Justice—Rs. 648 (*cont.*)

Mr. T. S. Narayana Ayyar.—I beg to move for an additional grant of Rs. 648 under XV—Law and Justice, being the pay of the staff to be given to the second Additional Judge attached to the Anjikaimal District Court. When I moved the grant the other day, a doubt was expressed as to whether the additional staff that was given to the Additional Judge at Trichur was really disbanded or not and several questions were put as to whether they were really disbanded or not. I am now in a position to say that they were not disbanded. But all the same there was no provision at all in the budget. I am not now requesting this House to vote this amount as pay for the period they were there. My present request for allotment is only for the pay to be given to those officers from the 16th of Vrischigam So this matter has nothing to do with what has already expired. If I had moved for the pay of an anterior period, of course the question may be relevant. But now I am moving only for the pay of the staff that will be working from the 16th of Vrischigam for 6 months for which period the Additional Court may work.

Mr. K. P. Kannan Nayar.—May I know whether it is a fact that those officers have been paid without any provision made in the budget?

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Mr. T. S. Narayana Ayyar.—I think so.

Motion No. 1.

Mr. A. B. Salem.—*To omit the allotment of Rs. 648—under XV—Law and Justice.*

President.—Mr. Salem, you have a cut motion.

Mr. A. B. Salem.—We are not satisfied with this method of paying people for whom no provision exists in the budget. This matter was postponed for this day purposely .so that we may know the full details. The question is to give Rs. 648 for the purpose of the pay of the people who are already in the service.

Mr. T. S. Narayana Ayyar.—No.

Mr. A. B. Salem.—Yes. They are being paid without any provision in the budget and they are still in service. Am I to understand, Sir, that this money is required for the purpose of entertaining a staff for the Additional Judge who are to be recruited anew into that department? If there have been people elsewhere in other departments who have no work and whose services can be utilised now in the Additional Court, we cannot see why you want an additional provision for that.

Mr. T. S. Narayana Ayyar.—There is absolutely no provision. It is a different matter. It does not touch the question. We only ask for a grant for the services to be rendered by the persons to be appointed. If the staff at Trichur is transferred, it would be the same thing. We have not provided in the budget at all. We only pray for provision for paying the officers for the work they are going to do. If I were moving for the pay already drawn this objection can arise. That is not my motion at all.

Mr. C. A. Kunjunni Raja.—On a point of information, whether any new staff was entertained here or elsewhere and those who were there, transferred?

Mr. T. S. Narayana Ayyar.—No new staff was entertained. The idea is practically to transfer them to this place.

Mr. C. A. Kunjunni Raja.—The court has begun to sit here. The work has begun. Where are the clerks?

Mr. T. S. Narayana Ayyar.—I do not know exactly the arrangements that have been made, I cannot say.

Mr. A. B. Salem.—The whole question is, when there is a staff there must be a provision, and if you are only utilising the services of men already in service they must have been provided for in some department or other when the budget was framed. That is the way the budget is framed. Here there is an extraordinary procedure that has been adopted under the supervision of the Finance Member and

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application for a fresh member to the Committee to be nominated.

Mr. M. K. Raman.—Even without a particular application for it, it implies that he resigns the place of the chairman also. Even without a motion like this, is not the President competent to nominate another chairman? There is no provision in the Rules for a motion like this which shows that the matter could be done by the Government and the President.

President.—There is nothing to prevent an Hon'ble Member bringing a motion like that.

Dr. A. G. Menon.—It is the Council that nominates. When the President resigns the membership, in his vacancy another member has to be named by the Council.

Mr. K. P. Kannan Nayar.—May I refer you to Standing Order 33 in connection with this matter? It is to be applied to official Members also. "The official Member in charge of the department to which the Bill relates and the Member who introduced the Bill shall be Members of every Select Committee, and it shall not be necessary to include their names in any motion for the appointment of a committee". So that, I think the Government Advocate is a member of the Committee in virtue of the office, because he is the officer of the department to which the Bill relates. He is to be a member in his official capacity. When the officer resigns a new officer is appointed and he *ipso facto* takes his place as a member of the Committee. I can understand a new chairman being appointed or nominated by the President. Is it necessary under this Rule, so far as the official Member is concerned, that he should be nominated as a member of the Committee? When he takes leave or resigns and a new officer comes to his place and that officer is nominated as a Member of the Council, whether it is necessary that a fresh motion should be made? Standing Order 33 may be referred to in this connection.

Mr. C.A.Kunjunni Raja.—Standing Order 33(2). Now the motion is for the appointment of a member at a subsequent sitting. Standing Order 33(2) says "the other Members of the Committee shall be named by the Council when the motion that the Bill be referred is made, or at any subsequent sitting." And Standing Order 34(5) "The Chairman of the Committee shall have power to report to the Diwan the name of any Member of the Select Committee who neglects or is unable to attend the sittings by death, resignation or otherwise ceases to be a Member of the Committee, and the Diwan may thereupon appoint, out of the Members of the Council, an additional Member to the Select Committee". But here the chairman himself resigns and there was nobody to report to the Diwan. Standing Order 33(1) will apply

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only when the motion for the appointment of the Committee is made. That is why this motion was made under 33(2). On a report by the chairman, the Diwan can appoint a member under Standing Order 34(5) but the President alone can appoint the chairman.

Mr. K. P. Kannan Nayar.—Even in that case it is the Diwan who makes the appointment.

President.—The Diwan is making the appointment only when the report is made by the chairman of the Committee under Standing Order 34(5), "The chairman of the Committee shall have power to report," etc. Here the Chairman himself resigns. So the Diwan could not make any appointment.

Mr. M. K. Raman.—When he resigns, does he not send a report? That implies that there is a vacancy. That is my point.

President.—He sends a report that he resigns.

Mr. K. P. Kannan Nayar.—When he sends a report it implies that he has resigned and there is a vacancy created. Then the Diwan has power to appoint another member to the Select Committee.

Mr. A. B. Salem.—I think there is no power to the Diwan. Only the President can do it. When the Diwan gets a report that there is a vacancy in the membership he can appoint a member. But the Diwan has no power, as Diwan, to appoint a President to a Committe.

President.—The Diwan can appoint a Member if there is any report asking him to do that. In this case there is no report.

Mr. A. B. Salem.—Such a question has not arisen. No case of resignation or negligence is reported to the Diwan. The motion now is for the appointment of a President to a Select Committee.

President—In this case there is no report from the Chairman of the Committee under Standing Order 34(5). The question is quite different. So the Hon'ble Member in charge of the Bill brought in this motion.

Mr. K. P. Kannan Nayar.—No request is necessary. He is only to report that there is a vacancy.

President.—There must be a request to the Diwan to appoint another member. Here the chairman resigned.

Mr. M. K. Raman.—Does it not imply that? He is the chairman of so many committees. We may avoid making a special motion here.

President.—It is covered by Standing Order 34(5). It seems to imply that the report to the Diwan follows the resignation.

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Mr. K. P. Kannan Nayar.—Any member must include him also.

President.—What has the Government Advocate to say in this matter?

Mr. T. S. Narayana Ayyar.—It is open to the chairman to resign the chairmanship also. It does not necessarily follow that, if for the time being he resigns his place, he ceases to be the chairman. Suppose he rejoins duty. Then the whole thing may revive. He is not appointed to the place as the Government Advocate. Mr. A. Sankara Menon Esquire, B. A. & B. L. is appointed as Chairman. He must report to the Diwan as per Standing Order 34(5) to appoint a Member and then another shall become the Chairman of the Committee. Even if he is appointed a member of the Committee, he does not *ipso facto* come the chairman of the Committee. The President of the Council will have to appoint the Chairman, because it is only the President who can exercise this power. The Diwan cannot appoint him. From a reading of Standing Orders 33(3) and 34(5) it seems to me that a motion has to be made.

President.—Under 34(6) the relevant portion is "The Chairman of the Committee shall have power to report to the Diwan the name of any Member of the Select Committee who neglects or is unable to attend the sittings or by death, resignation or otherwise ceases to be a Member of the Committee and the Diwan may thereupon appoint etc" The question is when the chairman of the Committee tendersh is resignation to the Diwan, does not that, under section 34(5), give power to the Diwan to appoint a fresh member to the Committee.

Mr. T. S. Narayana Ayyar.—I think so.

President.—The Diwan can appoint a member. I think that procedure may be followed

Mr. V. Achyuta Menon.—The President has to nominate a chairman.

Mr. A. B. Salem.—I think the President can act as President even outside the Council.

President.—Yes.

Nambudiri Reform Bill.

A similar motion standing in the name of Mrs. G. Pavitran was not moved. Hence the following motion was considered withdrawn.

Mrs. G. Pavitran.—'*The President may appoint a Chairman to the Select Committee appointed to consider the Nambudiri Reform Bill.*'

Cochin Small Holdings Bill.

President.—Mr. C A. Kunjunny Raja will move for leave to introduce the Cochin Small Holdings Bill.

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